

Dec 3 4 08 PM '79

ELYRIA MUNICIPAL COURT

IN THE ELYRIA MUNICIPAL COURT

LORAIN COUNTY, OHIO



CITY OF ELYRIA,

Plaintiff,

-VS-

CHEMICAL RECOVERY SYSTEMS, INC.,

Defendant.

CASE NO. 79 CR 1790

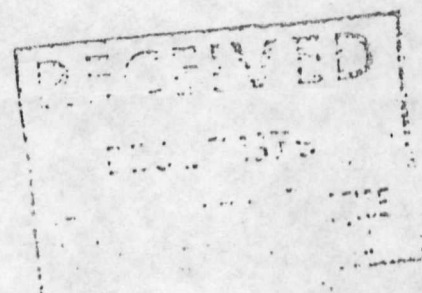
JOURNAL ENTRY

This cause came on for consideration by Stephen R. Nagy, Judge, upon stipulations of the Prosecutor and defense, and the following findings are made.

The Court finds that a pre-trial conference was held in this case on October 12, 1979, and the matter was continued for further pre-trial on December 3, 1979, in order to afford counsel for defense and the prosecution time to evaluate the situation more fully.

The Court further finds that an inspection tour was held of the Defendant's premises on October 17, 1979, with representatives of the Defendant, the Prosecutor's office, the City Health Department, the City Engineer's office, the Elyria Fire Department and the Ohio State Fire Marshal's office.

The Court further finds that representatives of and counsel for the Defendant met with a representative of the Elyria City Prosecutor's office on November 16, 1979, and that, at that time, the Defendant agreed to the following:



FILED

Dec 3 4 08 PM '79

ELYRIA MUNICIPAL COURT

1. A general clean-up of Defendant's premises would be completed within thirty (30) days.

2. Chain link fencing would be installed along the perimeter of Defendant's premises in such a manner as to reasonably prevent access by trespassers to the open areas of Defendant's premises where chemical containers are stored, except along the border of Defendant's premises which abuts the river, which border cannot reasonably be fenced due to shoreline erosion; said fencing shall be completed within thirty (30) days.

3. Detailed plans describing the "tank farm" which Defendant plans to build upon its premises to be submitted to the Elyria City Prosecutor's office, or its designee, within seven (7) days; completion of said tank farm is dependent upon state and city approval, upon obtaining said approval Defendant shall make all reasonable efforts to complete said tank farm within a reasonable period of time and with due regard for weather conditions which affect construction.

4. Defendant agrees to reduce the number of drums containing chemicals stored on the premises to not more than two thousand (2,000) within six (6) months.

✓ 5. Defendant agrees that all drums which are actually leaking chemical material shall be removed from its premises by March 1, 1980.

The Court further finds that the parties are in complete agreement as to the foregoing findings, same being based upon stipulations of the parties.

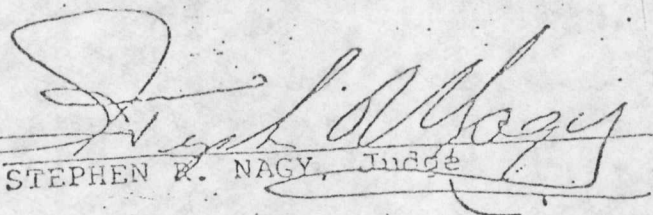


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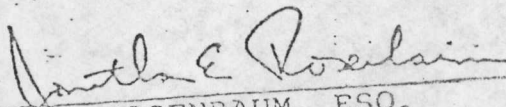
DEC 3 4 08 PM '79

ELYRIA MUNICIPAL COURT


THEREFORE, upon consideration of the foregoing the Court finds that the charges pending against Defendant herein should be and the same are hereby dismissed, Defendant having agreed to pay the costs of this action.

  
STEPHEN R. NAGY, Judge

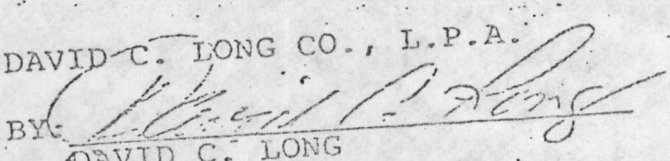
APPROVED:

  
JOHN ROSENBAUM, ESQ.  
Elyria City Prosecutor

CHEMICAL RECOVERY SYSTEMS, INC.

BY:   
JAMES C. FREEMAN, President

DAVID C. LONG CO., L.P.A.

BY:   
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